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Security Council

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Report of the Security Council Mission on the implementation of Security Council resolution 1244 (1999)

27 to 29 April 2000

I. Terms of reference of the Mission

1. Concerned about obstacles to the implementation of its resolution 1244 (1999) and at the invitation of the Special Representative of the Secretary-General in Kosovo, Mr. Bernard Kouchner, the Security Council decided to send a mission there, as conveyed to the Secretary-General by the President of the Council in his letter of 14 April 2000 (S/2000/320). The visit took place from 27 to 29 April 2000.

2. The Mission had the following objectives:

(a) To look for ways to enhance support for the implementation of Council resolution 1244 (1999);

(b) To observe the operations of the United Nations Interim Administration Mission in Kosovo (UNMIK) and its activities, and to gain a greater understanding of the situation on the ground in order to comprehend better difficult challenges faced by UNMIK;

(c) To convey a strong message to all concerned on the need to reject all violence, ensure public safety and order, promote stability, safety and security, support the full and effective implementation of Council resolution 1244 (1999) and fully cooperate with UNMIK to this end;

(d) To review ongoing implementation of the prohibitions imposed by the Security Council in its resolution 1160 (1998).

II. Composition of the Mission

3. The Mission was composed of the following members:

Ambassador Anwarul K.Chowdhury (Bangladesh), Head of Mission

Ambassador Arnoldo M. Listre (Argentina)

Ambassador Michel Duval (Canada)

Ambassador Shen Guofang (China)

Ambassador M. Patricia Durrant (Jamaica)

Ambassador Hasmy Agam (Malaysia)

Ambassador Sergey V. Lavrov (Russian Federation)

Ambassador Volodymyr Yel'chenko (Ukraine)

III. Activities of the Mission and summary of meetings

4. *Upon arrival on 27 April 2000, the Mission received a comprehensive briefing by the Special Representative of the Secretary-General* as well as briefings by the heads of UNMIK's four key components or "pillars", humanitarian (Office of the United Nations High Commissioner for Refugees (UNHCR)), civil administration (United Nations), institution-building (Organization for Security and Cooperation in Europe (OSCE)) and economic reconstruction (European Union).

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5. The UNMIK leadership described the main priorities of the Mission, along with its major challenges and constraints. The Mission discussed with the Special Representative and his deputies a wide range of issues, including the security situation, the protection of minorities, the return of refugees and displaced persons, civil registration and the preparations for the municipal elections, and economic recovery and property rights. UNMIK also described the challenges of reconciliation, the establishment of the rule of law and issues related to the sovereignty of the Federal Republic of Yugoslavia.

6. UNMIK is currently concentrating on the development of the interim political framework and on economic revitalization, including strong and sustainable macroeconomic policies for Kosovo. The Special Representative emphasized that the need to strengthen the multi-ethnic interim administration and to clarify the term "substantial autonomy" is being addressed by UNMIK. Future municipal structures, generated by the forthcoming municipal elections, will be integrated into UNMIK's overall administrative structure. In preparing for municipal elections in the fall, the Special Representative intends to launch a campaign aimed at explaining to the local population the nature of these elections, as well as the powers and limitations of elected authorities and their relation to UNMIK. Given the sensitivity of the electoral issues to all ethnic groups, strict and early monitoring of this process will be essential.

7. On the issue of returns, UNMIK emphasized that the return of all internally displaced persons and refugees from third countries is a priority, and should be handled in a measured and humane manner. The current capacity for absorption is extremely limited, and should be expanded through improvement in security, housing and employment. Both UNMIK and KFOR emphasized that uncontrolled and massive returns could actually destabilize the security situation and seriously aggravate inter-ethnic tensions, not least due to competition for scarce housing and other resources. Insofar as minorities are concerned, it is envisaged that further returns will be organized within the framework of the newly established Joint Committee on Returns, which would include representatives of UNMIK, KFOR, UNHCR and minorities and report to the Interim Administrative Council.

8. *On 28 April, the Mission met with representatives of Bosniac, Roma and Turkish communities at Prizren.* Representatives of the ethnic communities expressed their concern about their cultural rights and inadequate representation in the local administration, health, education and other sectors of public life. They complained that their rights as ethnic communities are not sufficiently protected. The Turkish community was particularly disappointed that the cultural rights it received under the 1974 Constitution have not been guaranteed. This includes TV and radio broadcast, education and the use of Turkish as an official language. All these representatives indicated their intention to actively cooperate with other communities. While all the ethnic communities present expressed their intention to participate in the registration and elections, representatives of the Turkish minority emphasized the need for registration forms in their language. As Prizren is the most multi-ethnic city in Kosovo, the Bosniac representatives believe that their community can play a role as a bridge in relations between the Kosovo Albanian and Kosovo Serb communities. The Mission encouraged intensified dialogue among ethnic communities in Kosovo and emphasized the need for reconciliation.

9. *On 28 April, the Mission met with the Kosovo Transitional Council.* Members of the Kosovo Transitional Council reiterated their positions on the major issues of concern for their respective communities. Kosovo Albanian representatives highlighted the issue of missing persons as the major impediment to reconciliation. Some of them urged the Security Council to adopt a resolution demanding the release of all Kosovo Albanian detainees and prisoners in Serbia. They further asserted that uniting the city of Mitrovica is essential to improve security in Kosovo. Most of the Albanian representatives welcomed the Serbs' participation in joint institutions. Serb representatives emphasized the need for the full implementation of Security Council resolution 1244 (1999) and for the return of all internally displaced persons, and expressed their concern about the lack of security for Serbs in Kosovo. Their other concerns include inadequate freedom of movement for non-Albanians, lack of access to health, education, social services and humanitarian aid. The Mission urged all communities to reject violence, and encouraged peaceful coexistence and cooperation among them.

10. *On the same day, the Mission visited the Kosovo Police School at Vucitrn.* The Mission was briefed on the progress in training of the future members of the Kosovo Police Service (currently 575 field trainees are deployed in all five regions of Kosovo), and was shown the school's extensive refurbished facilities. The Mission learned about the procedures for selection and screening of future local police officers, in which particular emphasis is placed on efforts to recruit from minority communities (currently some 11 per cent of students are non-Albanian) and to include at least 20 per cent female representation in the Kosovo Police Service. It is expected that 4,000 recruits will have completed the initial basic training course and will be deployed to field training with UNMIK Police by 1 July 2001. No ethnic tensions have been encountered within the Kosovo Police School, where classes are taught in both the Serb and Albanian languages, and examples of close interaction and joint work among the trainees were emphasized. Human rights education is an integral part of training.

11. *At Mitrovica*, the Mission was given an overview of the situation by the Regional Administrator, the Police Commissioner and representatives of three components of UNMIK. The Mission visited the Confidence Area and the Employment Rehabilitation Project, and had an opportunity to meet together — for the first time since the clashes in February 2000 — with the leaders of the two major ethnic communities. Both Serb and Albanian community leaders expressed their willingness to cooperate in reducing ethnic tensions and work towards joint solution of the problems at Mitrovica. The leader of the Albanian community at Mitrovica emphasized the need to establish joint health and educational institutions. The head of the Serb National Council at Mitrovica underscored the need for the return of Serb internally displaced persons to all parts of Kosovo. The Mission commended cooperation between the communities' leaders and recognized their courage, urging them to continue working in close collaboration with UNMIK and to encourage both communities to refrain from violence and develop a culture of peace.

12. The situation at Mitrovica remains generally calm in the aftermath of the violence which occurred earlier in the spring. A combination of factors have contributed to this improvement, including a greater concentration of both the civilian and military security presences, local rapid-impact community-based economic initiatives, and efforts made by community leaders on both sides to suppress extremist activities. Leaders of both ethnic communities are again in direct contact with one another, and have expressed the intention to cooperate with the international presences. UNMIK has outlined strategic priorities to steadily improve the security situation of Mitrovica. The provision of basic municipal services, support for two-way returns, rapid-impact employment projects and the revitalization of the industrial base have been identified as key steps in meeting this objective. Efforts are focused on joint confidence-building projects, such as the financing of businesses serving both parts of the city. Despite the efforts of the international presences, violent incidents continue to take place. The latest incidents occurred on the day of the Mission's visit to the city, when a stone was thrown at the bus carrying Serbs returning from church on orthodox Good Friday (on the same day, an orthodox church was blown up at another location in Kosovo) and on the following day, when large demonstrations were organized at Mitrovica.

13. *The Mission met with Bishop Artemje and members of the Serb National Council at Gracanica on 28 April.* During the meeting, representatives of the Serb National Council expressed disappointment at the insufficient implementation of Security Council resolution 1244 (1999). They expressed great concern over the current security situation, the absence of freedom of movement and the lack of access to basic services and employment for Serbs in Kosovo. They further stressed the need for the expeditious return of Serb internally displaced persons throughout Kosovo. Representatives of the Serb National Council at Gracanica believed that the international community should strongly support moderate representatives of all ethnic groups, and that community-level administration should receive greater emphasis. This would help to establish a political framework for Serb self-administration without risking the division of Kosovo or changing the borders of the Federal Republic of Yugoslavia. Leaders of the Serb National Council felt that the international community is not applying coherent policies in Kosovo, and complained about the refusal of Kosovo Albanian leaders to conduct an inter-community dialogue. Serb National Council representatives were concerned about the fate of missing non-Albanians, and were in favour of the appointment of a special envoy on missing persons. Despite the encouragement by the Mission, they

insisted that the Serbs will not be in a position to participate in the registration process until adequate security conditions are established and the process of the return of Serb internally displaced persons has begun. The Mission urged the Bishop to continue his leadership efforts for the rejection of violence and the promotion of positive dialogue between the communities in Kosovo.

14. *At the meeting with the Federal Republic of Yugoslavia Committee for Cooperation with UNMIK*, at which the Special Representative was present, the Mission discussed relations between UNMIK and the Federal Republic of Yugoslavia authorities. The Federal Republic of Yugoslavia representative expressed disappointment that the Mission had not visited Belgrade, and maintained the official position of the Yugoslav Government on all issues related to the international presence in Kosovo. He was particularly dissatisfied with the lack of progress in implementing Security Council resolution 1244 (1999), and expressed concern that some of UNMIK's and KFOR's actions could undermine the sovereignty of the FRY. At the same time, he welcomed UNMIK's proposal to establish a Joint Committee. The Mission assured the Committee of the Security Council's determination to fully implement its resolution 1244 (1999). The Federal Republic of Yugoslavia Committee for Cooperation presented to the mission a list of missing persons in Kosovo.

15. *At KFOR headquarters, the Mission was briefed by the new KFOR Commander, General Ortuño*, on the security situation and main tasks and challenges of the international security presence. The Mission discussed issues related to cooperation between KFOR and UNMIK, the establishment of the Kosovo Protection Corps and implementation of the Military Technical Agreement. The Chairperson of the Security Council Committee established pursuant to Security Council resolution 1160 (1998) discussed with KFOR the strengthening of the monitoring of the implementation of the arms embargo, given KFOR's responsibility for conducting border monitoring duties, in accordance with paragraph 9 (g) of Security Council resolution 1244 (1999). General Ortuño briefed the members of the Mission on KFOR's activities in support of Security Council resolution 1160 (1998). According to KFOR, incidents involving the seizure of arms and ammunition at the borders of Kosovo are currently limited since most of the weaponry seized are already in Kosovo, while KFOR continues to be actively engaged in their recovery inside Kosovo. He mentioned that he is sending monthly reports containing detailed information on KFOR's activities regarding the implementation of Security Council resolution 1160 (1998) to the Secretary-General of the North Atlantic Treaty Organization. The Mission feels that this detailed information should be made available to the Security Council.

16. *On 29 April, the Mission visited the Gnjilane region* and observed the launching of the registration process in the UNMIK-OCSE centre at Dobrecani. It also visited the orthodox church of Saint Nicolas and met with representatives of the church and the Serb community, who emphasized the need for freedom of movement to the location and sought the Mission's assistance in ensuring security and freedom of movement. They noted that progress in Serb returns would help to encourage Serbs to take part in registration.

17. *At the meeting with UNMIK Police Commissioner*, the Mission discussed the law and order situation in Kosovo. The Commissioner emphasized the fundamental differences inherent in the UNMIK police mission from all previous United Nations international policing missions. The UNMIK mission faces the unprecedented dual challenge of simultaneously running operations of UNMIK police while building a new local police service from the ground up. While UNMIK was criticized early on for slowness in establishing a civilian security presence, progress has in fact been remarkable under the circumstances. Major crime rates have fallen dramatically since the beginning of the UNMIK and KFOR operations, though the reduction in ethnically targeted crime could probably also be partly explained by the reduced presence of non-Albanian populations. The overall police strength remains well below its authorized level, which is itself below UNMIK's own assessments of the minimum effective level to fulfil the main strategic objectives of its mandate. Significant impediments have also been presented by the slow provision of basic equipment and resources necessary to carry out executive policing functions. As regards the UNMIK police requirements, the Mission took note of the Police Commissioner's request for additional resources in the forensics field and for the intelligence collection and analysis unit, as well as for officers and equipment for a close protection unit.

18. In spite of these severe staffing and resource impediments, UNMIK Police has significantly enhanced its effectiveness, in part by developing joint security operations with KFOR. The level of cooperation and coordination between UNMIK Police and KFOR is extremely high. Reducing demands on UNMIK for non-police security tasks as well as improving the function of the judiciary and penal systems in Kosovo will be crucial to enhance law and order effectiveness. For the Kosovo Police Service, UNMIK Police and the Kosovo Police School have set high standards, and are investing extensive resources into the training of the new service. UNMIK Police continue efforts to draw on the pool of former Kosovo police officers in developing the Kosovo Police Service, but their association with a strongly repressive prior policing system means that this is also a delicate process. The Commissioner appealed strongly to the Mission to assist UNMIK in meeting urgent personnel and equipment requirements.

19. *The Mission was also briefed by the co-heads of the Administrative Department of Justice, the head of the Correctional System and the head of the International Support Section dealing with the establishment of the Kosovo War and Ethnic War Crimes Court.* The Mission was informed of the severe shortage of resources in these areas and of the need to provide financial and other assistance in order to ensure the effective functioning of the rule of law in Kosovo.

20. *The Mission also met with the heads of departments of the Joint Interim Administrative Structures*, namely the Departments of Health and Social Welfare, Sports, Agriculture, Democratic Governance and Civil Society Support and the Central Fiscal Authority. It received a briefing on the workings of the Departments as well a list of their priorities. It was informed that recruitment for all Departments is based on technical competence and a fai representation of minorities and women.

21. *At Djakovica, on 29 April, the Mission visited the destroyed part of the old town.* It also observed the exhumation of corpses and their identification at the Brekoc cemetery by the International Criminal Tribunal for the Former Yugoslavia. The Mission was informed by the Tribunal's forensic experts that they are hampered in their work by the lack of resources to finance DNA tests. The Mission also met with families of the missing and detained people. A strong and emotional appeal was made by the families for the international community to exert pressure on the Yugoslav Government to clarify the fate of missing persons. In addition, the Security Council was urged to adopt a resolution demanding the immediate release of all detainees held in Serbian prisons and detention centres. It was also requested to ensure that all trials of ethnic Albanians in Serbia are monitored by the Office of the United Nations High Commissioner for Human Rights, as well as other relevant international organizations. The need to urgently appoint a special envoy to deal exclusively with missing and detained persons was also emphasized to the Mission. The Mission was also provided with a list of missing persons and detainees from Djakovica, along with an appeal from parents and citizens of Djakovica.

22. At the end of the visit, the Head of the Mission and the Special Representative held a joint press conference at Pristina during which the Head of the Mission provided a general overview of activities of the Mission and responded to questions.

IV. Findings of the Mission

23. Since its deployment on 13 June 1999, UNMIK has made significant progress in implementing Security Council resolution 1244 (1999). The full and effective implementation of the Security Council's mandate requires sustained effort by UNMIK and KFOR and the full participation of local communities, which in turn demand active engagement of and support by the international community. All ethnic communities expressed a desire to live in peace together, but due to the recent violent conflict they are still deeply divided and the healing will require a long time. Despite a steady improvement in the overall level of violence and criminality, attacks against minorities continue and special measures of protection must constantly be maintained. KFOR's continued assistance in protecting minorities and joint security operations with UNMIK police thus remain vital.

24. Inadequate physical, social and economic security remains a major concern. Lack of freedom of movement, access to education, health care, social services and employment hampers the return of internally displaced persons, primarily Serbs and the Roma, and significantly impedes the integration of ethnic minorities into public life. Regarding

possibilities for reconciliation, there have been some positive signs, such as the general apology issued by the Serb community of Orahovac and the subsequent declaration from the Kosovo Albanian community at Orahovac inviting Serbs to stay and to cooperate in the future development of the community.

25. Progress towards peaceful coexistence remains fragile. The painful issues of all missing persons and detainees, continuing violence, and the return of internally displaced persons and refugees continue to be major impediments to reconciliation and undermine the efforts to create a climate of tolerance and security. The Mission noted the strong support of the different ethnic communities for the appointment of a special envoy for detainees and missing persons. Given its urgency, the Mission undertook to report that support to the Council.

26. The lack of an effective and unbiased rule of law in Kosovo was a recurring theme at many of the Mission's meetings. The Mission notes that UNMIK's intention to recruit international judges and prosecutors and their staff to work alongside their local counterparts will be critical to redress the perceived culture of impunity which currently undermines the judicial system. If UNMIK is to increase the effectiveness of the Kosovo judiciary, substantial voluntary assistance, both in personnel and material resources, is required. As regards the lack of sufficient policing resources, it is imperative for UNMIK to continue accelerating its training programmes for the Kosovo Police Service. The multi-ethnic and gender-sensitive Kosovo Police Service development programme and the OSCE-led Kosovo Police School should serve as models for future institutions in Kosovo. The Mission was appreciative of the fact that human rights education and acquired immunodeficiency syndrome (AIDS) awareness are part of UNMIK's police curriculum.

27. While noting the serious staffing constraints faced by UNMIK in civil administration and police, the Mission recognizes the significant imbalance in wages between its locally recruited civil service staff and the rest of the Kosovo population (a similar situation exists in United Nations Transitional Administration in East Timor operations). It feels that both issues should be pursued through the appropriate General Assembly process.

28. To ensure an organized, expeditious and sustainable return, significant resources will be required in order to create appropriate conditions for the returnees by increasing Kosovo's absorbing capacity.

29. The recent participation of the Serbs as observers in the Joint Interim Administrative Structures, including the Kosovo Transitional Council and the Interim Administrative Council, is encouraging and hopefully will lead to their full participation and a larger representation of non-Albanians in the Structures. Bosniac and Roma representatives, however, have yet to join the Transitional Council. At the same time, the Mission noted that a major effort by the international presences and long-term nurturing will be necessary to achieve progress in reconciliation. Nonetheless, the Mission noted several examples of more positive relations between communities at the local level. Discussions at this level are less politically charged and focus on practical modes of cooperation. Efforts to promote cooperation and interface between ethnic communities at the local level, including the establishment of multi-ethnic municipal councils, administrative boards and rapid-impact employment projects, could foster peaceful coexistence.

30. The civil and voter registration processes in Kosovo, in view of the forthcoming municipal elections, have just begun. It is unfortunate, however, that all factions of the Kosovo Serb community have chosen not to participate in this process, due to the current lack of physical security and freedom of movement. Substantial efforts by UNMIK and KFOR, backed up by the strong support of the international community, are essential to encourage and create the conditions for Serb participation, including those who are displaced outside Kosovo.

31. The Mission welcomes the renewal of contacts between leaders of both communities in Mitrovica, and believes that joint community-based programmes, which it had an opportunity to observe while there, have a potential for confidence-building and reconciliation.

32. The Mission notes UNMIK's intention to continue working to establish a Joint Committee, which is aimed at enhancing productive dialogue with the Federal Republic of Yugoslavia authorities. KFOR is continuing to maintain regular contact with the Federal Republic of Yugoslavia authorities on military issues

within the framework of the Joint Implementation Committee.

33. The Mission is cognizant of the imperative for UNMIK to foster economic recovery as a means of underpinning confidence-building and reconciliation efforts at the local level. The Mission welcomes the deployment of economic reconstruction representatives of the European Union at the municipal level. It further supports UNMIK's view that economic investment priorities must be guided by UNMIK to ensure maximum effectiveness of donated funds. Property issues, however, remain unresolved, and could potentially undermine international efforts aimed at the economic recovery of Kosovo and even peace initiatives by UNMIK.

34. The Mission feels that detailed information on KFOR's activities in the implementation of Security Council resolution 1160 (1998) should be provided to the Committee established pursuant to resolution 1160 (1998).

35. It was emphasized to the Mission that UNMIK has only been deployed for some 10 months, and that as a result there should be realistic expectations of what it could achieve in that limited period. Healing the wounds inflicted by the conflict will take time. Reconciliation is a long and protracted process, and the international community must be patient and persistent. UNMIK and KFOR have made significant progress in implementing their mandates and must be commended for their efforts, often made under difficult and challenging circumstances. The Mission notes the enormity of the task faced by UNMIK, and commends in particular its efforts in the capacity and institution-building areas. Further efforts to ensure full implementation of its resolution 1244 (1999) remain a high priority of the Security Council.

36. The Mission wishes to pay a well-deserved tribute to Mr. Kouchner for his outstanding leadership of UNMIK and his commitment to the success of the Security Council objectives in Kosovo. The Mission also expresses appreciation to General Ortuño, Commander of KFOR, for his determined efforts and commitment. The hard work and dedication of their collaborators and the entire staff of UNMIK and KFOR, have earned the praise of the Mission. The Mission is deeply appreciative of all the support provided by UNMIK and KFOR which was crucial to its success.